

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: November 30, 2010
Time: 11:00 a.m.

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In re:

ROBERT J. LOSADA

Chapter 13
Case No.: 110-49216-608

Debtor(s)
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NOTICE OF MOTION

SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 30th day of NOVEMBER, 2010 at 11:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§§§ 503, 521, 1307(c), & 1326(a)(2), dismissing this case, by reason of the debtor(s)' failure to file and/or provide documents, paying to the Trustee reasonable, necessary costs and expenses, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than five (5) days prior to the return date of this motion.

Dated: Melville, New York
November 10, 2010

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: *Office of the United States Trustee
United States Bankruptcy Court
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201*

*Chase Home Finance, LLC
c/o Rosicki, Rosicki & Associates, P.C.
51 East Bethpage Road
Plainview, NY 11803*

*Robert J. Losada
22-63 23rd Street
Astoria, NY 11105*

*Allan R. Bloomfield, Esq.
Attorney for Debtor(s)
118-21 Queens Blvd, Ste. 617
Forest Hills, NY 11375*

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X

In re:

ROBERT J. LOSADA

tmm1634

Chapter 13

Case No.: 110-49216-608

Debtor(s)

-----X

APPLICATION

TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on September 29, 2010, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with an amended means test; an affidavit of marital adjustment with back up documentation; and bank statements show more money than means test.
3. In addition, prior to the court hearing, an additional \$1,030.00 representing the November 29 payment is due.
4. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§§§ 503, 521, 1307(c), & 1326(a)(2), dismissing this case, and paying to the Trustee reasonable, necessary costs and expenses, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York
November 10, 2010

/s/ **Michael J. Macco**
Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

LONI BRAGIN, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On November 10, 2010, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
United States Bankruptcy Court
271 Cadman Plaza East, Suite 4529
Brooklyn, NY 11201*

*Robert J. Losada
22-63 23rd Street
Astoria, NY 11105*

*Allan R. Bloomfield, Esq.
Attorney for Debtor(s)
118-21 Queens Blvd, Ste. 617
Forest Hills, NY 11375*

*Chase Home Finance, LLC
c/o Rosicki, Rosicki & Associates, P.C.
51 East Bethpage Road
Plainview, NY 11803*

/s/ Loni Bragin
LONI BRAGIN

Sworn to before me this
10th day of NOVEMBER, 2010

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2013